

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY**

**Call to Order:** By **CHAIRMAN STANLEY FISHER**, on February 13, 2001  
at 8:00 A.M., in Room 317-A Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Stanley Fisher, Chairman (R)  
Sen. Arnie Mohl, Vice Chairman (R)  
Rep. Tim Callahan (D)  
Sen. Chris Christiaens (D)  
Rep. Jeff Pattison (R)  
Sen. Debbie Shea (D)  
Sen. Tom Zook (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Mary LaFond, OBPP  
Lorene Thorson, Legislative Branch  
Sandra Whitaker, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: None  
Executive Action: Department of Corrections

***{Tape : 1; Side : A; Approx. Time Counter : 0}***

#### **EXECUTIVE ACTION ON DEPARTMENT OF CORRECTIONS**

**CHAIRMAN FISHER** opened the final meeting of the Joint  
Appropriations Subcommittee on Corrections and Public Safety for  
executive action on the Department of Corrections.

**Motion:** REP. PATTISON moved to **ACCEPT THE MARTZ BUDGET WITH THE  
ADDITIONAL \$7,317,335 REDUCTIONS BE ADOPTED.**

**Discussion:** **Ms. LaFond** stated the total amount of reductions is contingent on the DUI unit bill passing. **SEN ZOOK** stated he feels the bill will pass and therefore incur the savings expected. **SEN. CHRISTIAENS** clarified the total savings without the DUI reductions is \$4,484,545.69.

**Mr. Swysgood, Director, Office of Budget and Program Planning,** explained the list of reductions.

**EXHIBIT(jch36a01)**

In item #4, the items in parentheses in 2002 and 2003 is the startup cost for the DUI treatment center. There are other savings in the reductions directly related to the DUI bill. The \$4.4 million is the actual reductions to the Martz Budget without considering the reductions if the DUI bill passes. He stated there are an additional \$4 million savings in the DUI bill that are not listed on the handout. **Mr. Swysgood** has asked the Department of Corrections (DOC) not to offer those as savings as he needs it for the supplemental mitigation. The supplemental will have to be mitigated out of the 2003 biennium budget. If the supplemental is less than \$4 million, it will be used to reduce the 2003 biennium budget even further. He feels if the DOC is asked to reduce the budget by the \$4.4 million, plus the \$4 million he is holding back, it will become a public safety issue.

There was further discussion on the supplemental bill (HB 3) and the DOC projected supplemental request. **Mr. Swysgood** stated again the absolute savings is the \$4.4 million reductions shown on the information sheet.

**Ms. Lorene Thorson, Legislative Fiscal Branch,** expressed concern that contingency language may be necessary in the event the DUI bill does not pass. **Mr. Swysgood** contingency language may be used as a precaution since there are three savings items related to the DUI unit coming on line.

**SEN. MOHL** asked about the \$50,000 Hepatitis C cost. **Mr. Swysgood** assured the committee that amount of money has been removed from these figures. **SEN. CHRISTIAENS** expressed concern about addressing Hepatitis C adequately. **Ms. Thorson** stated \$153,000 has been set aside in the Martz Budget for the Hepatitis C health issues and is in tact.

**{Tape : 1; Side : A; Approx. Time Counter : 215}**

**SEN. CHRISTIAENS** asked **Mr. Ferriter** to address the cuts in the pre-release beds. **Mr. Ferriter** explained the DOC rationale in the budget reductions made in that area. There was further discussion on this issue. **SEN. SHEA** expressed concern in regard to the reductions being made in the Butte area pre-release. **Mr. Ferriter** suggested different language to soften the reduction and allow the DOC to decide which beds at Butte would be reduced rather than naming specific beds.

**EXHIBIT(jch36a02)**

**REP. CALLAHAN** expressed his concern on item #8, the increase in offender reimbursement of \$1 per day in pre-release. He felt the cost shift would result in costing the pre-release centers more in their individual budgets due to non-payment by offenders.

**Substitute Motion:** **SEN. CHRISTIAENS** made a substitute motion that **8 MCDC BEDS BE ELIMINATED FOR FISCAL YEAR 2002 AND 2003 AND 5 CONNECTIONS CORRECTIONS BEDS BE REINSTATED BE ADOPTED.**

**Discussion:** **Ms. Thorson** clarified the motion that the reduction of \$4,484,545.69 would be reduced approximately \$122,000. **REP. PATTISON** stated he could not support the motion if it reduces savings. **Mr. Ferriter** stated the Butte pre-release center could be reduced the dollar amount and the actual beds used be determined by the DOC and the provider.

**Substitute Motion/Vote:** **SEN. CHRISTIAENS** made a substitute motion that **THE MCDC BEDS AND BUTTE PRE-RELEASE BEDS BE REDUCED TO ALLOW A SAVINGS EQUAL TO THE DEPARTMENT'S PROPOSED REDUCTION ON ITEMS #5 AND #6 (\$190,543 IN FISCAL 2002 AND \$194,359 IN FISCAL 2003) AND THE NUMBER OF BEDS WITH CONNECTIONS CORRECTIONS TO REMAIN AT 30 BE ADOPTED AS AMENDED.** Substitute motion passed unanimously.

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There was further discussion and a short recess taken to further understand the budget reductions as presented.

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**Substitute Motion:** **SEN. ZOOK** made a substitute motion that **THE BUDGET REDUCTIONS TOTALING \$4,484,545.69 BE ADOPTED.**

**Substitute Motion:** **SEN. MOHL** made a substitute motion that **THE PROPOSED BUDGET REDUCTIONS OF \$4,484,545.69 BE ADOPTED WITH NO MORE THAN \$2,000,000 OVERRUN ALLOWED FOR LAST YEAR BE ADOPTED.**

**Discussion:** There was extensive discussion regarding the amount of overrun the DOC should be allowed and if that should be put in the motion. **Mr. Swysgood** explained he has held back \$4,000,000 to provide for overruns to reduce that impact in 2003.

**Substitute Motion/Vote:** SEN. MOHL made a substitute motion that **THE PROPOSED BUDGET REDUCTIONS OF \$4,484,545.69 BE ADOPTED WITH NO MORE THAN \$2,000,000 OVERRUN ALLOWED FOR LAST YEAR BE ADOPTED.** Substitute motion failed 2-5 with Mohl and Pattison voting aye.

**Discussion:** In further discussion on SEN. ZOOK's substitute motion REP. CALLAHAN pointed out the \$1 savings per day in the pre-release centers is being passed on to local entities. **Mr. Thatcher, Director, Butte Pre-release Center,** stated the impact about \$62,000 on his center. With the DOC not keeping up with rising costs for pre-release services in the past, the total impact to his center is in the neighborhood of \$250,000 which could be devastating. SEN. SHEA asked about the current contracts with the pre-release centers and the DOC, and if there would be a violation in that contract with this change in daily payments. **Mr. Ferriter** explained contracts are due to be re-negotiated this year.

**Substitute Motion/Vote:** SEN. ZOOK made a substitute motion that **THE BUDGET REDUCTIONS TOTALING \$4,484,545.69 BE ADOPTED.** Substitute motion failed 3-4 with Fisher, Pattison, and Zook voting aye.

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The committee continued discussion on how to resolve the budget for the Department of Corrections. Of concern was not knowing what the overruns for the DOC would be for this year.

**Motion/Vote:** REP. CALLAHAN moved to **ACCEPT THE PROPOSED BUDGET REDUCTIONS OF \$4,484,545.69 LESS ITEM #8 OF \$213,160.00 EACH YEAR OF THE BIENNIUM FOR A TOTAL OF \$426,320.00 LESS REDUCTIONS BE ADOPTED.** Motion failed 3-4 with Callahan, Christiaens, and Shea voting aye.

**Motion/Vote:** SEN. MOHL made a motion that **THE PROPOSED BUDGET REDUCTIONS OF \$4,484,545.69 BE ADOPTED WITH NO MORE THAN \$3,000,000 OVERRUN ALLOWED FOR LAST YEAR BE ADOPTED.**

**Discussion:** SEN. CHRISTIAENS stated he would need to vote against this motion as it would not have the desired effect of the \$4.48 million savings. SEN. ZOOK further explained the

provisions **Mr. Swysgood** has in place to compensate for any overruns and still allow the \$4.48 million in savings. The committee stood in agreement and took no action on **SEN. MOHL's** motion.

**Substitute Motion/Vote:** **SEN. CHRISTIAENS** made a substitute motion that **THE BUDGET REDUCTIONS TOTALING \$4,484,545.69 BE ADOPTED.** Substitute motion carried unanimously.

**Motion/Vote:** **REP. ZOOK** moved **ADOPTION OF THE BUDGET AS AMENDED FOR THE DEPARTMENT OF CORRECTIONS BE ADOPTED.** Motion carried unanimously.

**CHAIRMAN FISHER** adjourned the meeting and thanked the committee for their work.

February 13, 2001

PAGE 6 of 6

**ADJOURNMENT**

Adjournment: 10:00 A.M.

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REP. STANLEY FISHER, Chairman

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SANDRA WHITAKER, Secretary

SF/SW

**EXHIBIT** (jch36aad)